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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/540,287

06/20/2005

Jeffrey Dennis Evemy

BKR-25-02/01

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03/31/2008

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EXAMINER

FULLER, RODNEY EVAN

ART UNIT

PAPER NUMBER

2862

MAIL DATE

DELIVERY MODE

03/31/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/540,287	Applicant(s) EVEY ET AL.	
	Examiner Rodney E. Fuller	Art Unit 2862	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on March 10, 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) 1-55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 56-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/8/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group IV (Claims 56-70) in the reply filed on March 10, 2008 is acknowledged.
2. Claims 1-55 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 10, 2008.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because of the following item(s):
 - a. The abstract is not on a separate sheet.
 - b. The phrase "This invention provides..." can be implied.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 56-58, 60-66 and 68-70 are rejected under 35 U.S.C. 102(b) as being anticipated by Howard, et al. (US 6,353,468)

Regarding claims 56 and 65, Howard discloses " a digital display device operable to display an image (Fig. 1, ref.# 10), a speed detector (Fig. 6, ref.# 34) operable to produce a speed signal indicative of the speed of a vehicle having a window passing the display device, a vehicle detector (Fig. 6, ref.# 32) operable to produce a position signal indicative of the position of the vehicle relative to the display device, and processing means (Fig. 6, ref.# 30) connected to receive a signal from the speed detector indicative of the speed of the vehicle and a signal from the vehicle detector indicative of the position of the vehicle window relative to the display device, and operable to displace the image along the display device as the vehicle passes the display device such that the location of the vehicle window and the location of the image on the display device coincide (column 1, lines 66 – column 2, line 3)."

Regarding claims 57 and 66, Howard discloses "wherein the image comprises a series of frames making up a film sequence (column 2, lines 13-16) wherein the display device is operable to display the next frame in the series at a position on the display device relative to the position at which the previous frame was displayed determined by

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the speed (column 6, lines 44-53) of the vehicle as the vehicle passes the display device such that as each frame is displayed in sequence, the location (column 6, lines 44-53) of each frame on the display device coincides with the position of the vehicle window as the vehicle passes the display device.”

Regarding claim 58, Howard discloses “wherein the vehicle (Fig. 1, ref.# 16) comprises a plurality of windows (Fig. 1, ref.# 18) such that an image is displayed on the digital display device (Fig. 1, ref.# 10) to coincide with the position of each window of the vehicle.”

Regarding claims 60 and 68, Howard discloses “wherein the display device comprises a plurality of digital display screens. (Fig. 16, ref.#s 140a – 140d)”

Regarding claims 61 and 69, Howard discloses “wherein the screens are arranged substantially adjacent one another.” (column 9, lines 39-42)

Regarding claims 62 and 70, Howard discloses “wherein the screens are arranged such that the adjacent edges of neighbouring screens abut one another.” (column 9, lines 39-42)

Regarding claim 63, Howard discloses “wherein an image is displayed on the display device such that a single frame spans across more than one display screen.” (column 3, lines 48-51)

Regarding claim 64, Howard discloses “wherein the digital display screen comprises an LCD screen or a TFT screen.” (column 9, line 41)

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 59 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard, et al. (US 6,353,468).

Howard discloses multiple digital displays adjacent to each other in Figure 16. However, Howard does not specifically disclose (Claims 59 and 67) “wherein the display device comprises a single digital display screen.” It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a single large display instead of the multiple displays, since it has been held that forming in one piece an article which was formerly been formed in two (multiple) pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Walsh (US 5,650,794), Walker, et al. (US 6,870,596), Spodek, et al. (US 6,564,486), Yamamoto, et al. (US 6,466,193) and Shigetomi, et al. (US 6,466,182).

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney E. Fuller whose telephone number is 571-272-2118. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on 571-272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rodney E Fuller/
Primary Examiner, Art Unit 2862

March 27, 2008